

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2427 Session of
2014

INTRODUCED BY BARRAR, SAINATO, EVERETT, GOODMAN, GROVE, HARHART,
M. K. KELLER, KORTZ, R. MILLER, MURT, O'NEILL, RAPP,
READSHAW, SWANGER, TALLMAN AND THOMAS, JULY 29, 2014

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JULY 29, 2014

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for emergency response
3 payment.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 79

9 EMERGENCY RESPONSE PAYMENT

10 Sec.

11 7901. Definitions.

12 7902. Reimbursement.

13 7903. Procedure.

14 7904. Penalty.

15 7905. Rules and regulations.

16 § 7901. Definitions.

17 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Actual and reasonable response costs." An amount that is
4 consistent with what a reasonable person would pay in the same
5 or similar circumstances for the same business or for the same
6 or similar item. This term shall not include any costs for
7 labor.

8 "Emergency." An incident that requires responsive,
9 coordinated action to protect an individual, the environment,
10 critical infrastructure or property.

11 "Fire company." A volunteer fire company located in this
12 Commonwealth.

13 "Incident commander." An individual responsible for all
14 incident-related activities as described in the National
15 Incident Management System.

16 "Official dispatch." The dispatch of a fire company to an
17 emergency by a public safety answering point or a response to a
18 special call or request from an incident commander for
19 assistance with an emergency.

20 § 7902. Reimbursement.

21 A person involved in an emergency that necessitates a
22 response from a fire company shall be liable for the actual and
23 reasonable response costs incurred by the fire company unless
24 the person has:

25 (1) paid a tax which funds at least part of the fire
26 company's services to the municipality in which the fire
27 company is located; or

28 (2) made a monetary contribution to an annual fund drive
29 of a fire company recognized by the host municipality within
30 the 12 months preceding the date of the emergency response.

1 § 7903. Procedure.

2 (a) Billing.--A fire company may seek reimbursement for
3 actual and reasonable costs related to an emergency as provided
4 for under this section. A bill for reimbursement must clearly
5 itemize the costs that have been incurred.

6 (b) Reimbursement.--If a person receives a bill for actual
7 and reasonable costs as provided for under this section, the
8 person shall be responsible for payment of the bill. A person
9 may elect to submit the bill to an insurance company; however,
10 submission of a bill to an insurance company shall not relieve
11 the person from financial responsibility, if an insurance
12 company denies payment of the bill.

13 (c) Failure to pay.--A fire company that submits to a person
14 a bill for actual and reasonable costs as provided for under
15 this section may file an action in a court of competent
16 jurisdiction to recover the amount of the actual and reasonable
17 costs if the person fails to pay the amount of the bill.

18 (d) Bills from multiple fire companies.--If more than one
19 fire company incurs actual and reasonable costs in a response to
20 an emergency, separate bills may be submitted by the fire
21 companies, unless the fire companies were requested by an
22 incident commander or through a public safety answering point,
23 in which case, only a single bill may be submitted on behalf of
24 the fire companies.

25 § 7904. Penalty.

26 A fire company filing a false request for reimbursement
27 commits a summary offense and, upon conviction, shall be
28 sentenced to pay a fine of not more than \$100. A fire company
29 shall pay a fine of \$1,000 for each subsequent offense.

30 § 7905. Regulations or guidelines.

1 The Office of the State Fire Commissioner, in consultation
2 with the Fire Safety Advisory Committee, shall establish, by
3 regulation or guidelines, an actual and reasonable cost guidance
4 to assist fire companies. At no time may a person be required to
5 pay more than \$1,000 per emergency response.

6 Section 2. This act shall take effect in 180 days.